

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

DOCKET NO.: 2007-2043-WQ-E **TCEQ ID:** RN101269611 **CASE NO.:** 35133**RESPONDENT NAME:** Value Family Homes - Denton, L.P. dba Denton Mobile Home Community

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Denton MHC, 5301 East McKinney Street, Denton, Denton County</p> <p>TYPE OF OPERATION: Wastewater collection system with a manhole</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: One complaint was received October 30, 2007, alleging that a discharge from the manhole caused a fish kill. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: A complaint was received, but the complainant has not expressed a desire to protest this action or speak at Agenda.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on June 16, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Jorge Ibarra, P.E., Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5890; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Joe Wallis, Regional Operations Manager of Texas, Value Family Homes - Denton, L.P., 5301 East McKinney Street, Box 205, Denton, Texas 76208 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

DOCKET NO.: 2007-2043-WQ-E

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: October 30, 2007</p> <p>Date of Investigation Relating to this Case: October 30, 2007</p> <p>Date of NOV/NOE Relating to this Case: December 10, 2007 (NOE)</p> <p>Background Facts: This was a complaint investigation. A series of unauthorized discharges resulted in a fish kill of approximately 30 fish.</p> <p>WATER</p> <p>1) Failure to prevent the unauthorized discharge of wastewater from the collection system. Specifically, a series of unauthorized discharges occurred during October 25-30, 2007 from the manhole near Unit 115, totaling 5,000 gallons of wastewater, resulting in approximately 30 fish killed [Tex. WATER CODE § 26.121].</p> <p>2) Failure to provide non-compliance notification to the TCEQ within 24 hours of becoming aware of the non-compliance. Specifically, the unauthorized discharges began on October 25, 2007 and were not reported to the TCEQ until October 31, 2007 [Tex. WATER CODE § 26.039(b)].</p> <p>3) Failure to properly design and operate the collection system. Specifically, there were no provisions made to prevent grease and other floating materials from interfering with the operation of the lift station [30 TEX. ADMIN. CODE § 317.3(b)(3)].</p>	<p>Total Assessed: \$4,875</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$4,875</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Orders Justification: Human health or the environment has been exposed to pollutants which exceed levels that are protective.</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a) Took steps to control, contain, and remediate the unauthorized discharges, and repair the lift station on October 30, 2007;</p> <p>b) Provided non-compliance notification to the TCEQ on October 31, 2007; and</p> <p>c) Implemented measures and procedures to prevent grease and other floating materials from interfering with the operation of the lift station on October 31, 2007.</p>

Additional ID No(s): 0



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

TCEQ

DATES

Assigned 17-Dec-2007

PCW 3-Jan-2008

Screening 20-Dec-2007

EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent Value Family Homes - Denton, L.P. dba Denton Mobile Home Community

Reg. Ent. Ref. No. RN101269611

Facility/Site Region 4-Fort Worth

Major/Minor Source Minor

CASE INFORMATION

Enf./Case ID No. 35133

Docket No. 2007-2043-WQ-E

Media Program(s) Water Quality

Multi-Media

Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000

No. of Violations 3

Order Type Findings

Enf. Coordinator Jorge Ibarra, P.E.

EC's Team Enforcement Team 3

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$6,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 0% Enhancement

Subtotals 2, 3, & 7 \$0

Notes

No change due to no compliance history.

Culpability

No

0% Enhancement

Subtotal 4 \$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

25% Reduction

Subtotal 5 \$1,625

Before NOV NOV to EDRP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

Notes

The Respondent achieved full compliance on October 31, 2007.

0% Enhancement*

Subtotal 6 \$0

Total EB Amounts \$6

Approx. Cost of Compliance \$10,200

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal \$4,875

OTHER FACTORS AS JUSTICE MAY REQUIRE

0%

Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$4,875

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$4,875

DEFERRAL

0%

Reduction

Adjustment \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY

\$4,875

Screening Date 20-Dec-2007

Docket No. 2007-2043-WQ-E

PCW

Respondent Value Family Homes - Denton, L.P. dba Denton Mobile H

Policy Revision 2 (September 2002)

Case ID No. 35133

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101269611

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission.	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

No change due to no compliance history.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date 20-Dec-2007 Respondent Value Family Homes - Denton, L.P. dba Denton Mobile Home Co Case ID No. 35133 Reg. Ent. Reference No. RN101269611 Media [Statute] Water Quality Enf. Coordinator Jorge Ibarra, P.E. Violation Number <input type="text" value="1"/> Rule Cite(s) <div style="border: 1px solid black; padding: 5px; text-align: center;">Tex. Water Code § 26.121</div> Violation Description <div style="border: 1px solid black; padding: 5px;">Failed to prevent the unauthorized discharge of wastewater from the collection system. Specifically, a series of unauthorized discharges occurred during October 25-30, 2007 from the manhole near Unit 115, totaling 5,000 gallons of wastewater, resulting in approximately 30 fish killed.</div>	Docket No. 2007-2043-WQ-E PCW <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision November 6, 2007</i>																			
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Economic Benefit Worksheet**Respondent** Value Family Homes - Denton, L.P. dba Denton Mobile Home Community**Case ID No.** 35133**Reg. Ent. Reference No.** RN101269611**Media** Water Quality**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$9,000	25-Oct-2007	30-Oct-2007	0.0	\$6	n/a	\$6

Notes for DELAYED costs

Estimated cost to provide additional oversight which may have alleviated or prevented the unauthorized discharges, the cost of the remediation of the unauthorized discharge site, and the cost to repair the lift station.
Date Required is the first day of non-compliance, Final Date is the compliance date.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs**Approx. Cost of Compliance**

\$9,000

TOTAL

\$6

Screening Date 20-Dec-2007

Docket No. 2007-2043-WQ-E

PCW

Respondent Value Family Homes - Denton, L.P. dba Denton Mobile Home Cor

Policy Revision 2 (September 2002)

Case ID No. 35133

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101269611

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 2

Rule Cite(s)

Tex. Water Code § 26.039(b)

Violation Description

Failed to provide non-compliance notification to the TCEQ within 24 hours of becoming aware of the non-compliance. Specifically, the unauthorized discharges began on October 25, 2007 and were not reported to the TCEQ until October 31, 2007.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$750

This violation Final Assessed Penalty (adjusted for limits) \$750

Economic Benefit Worksheet**Respondent** Value Family Homes - Denton, L.P. dba Denton Mobile Home Community**Case ID No.** 35133**Reg. Ent. Reference No.** RN101269611**Media** Water Quality**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$200	26-Oct-2007	31-Oct-2007	0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to timely provide the required notification. Date Required is the first day of non-compliance, Final Date is the compliance date.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs**Approx. Cost of Compliance**

\$200

TOTAL

\$0

Screening Date 20-Dec-2007

Docket No. 2007-2043-WQ-E

PCW

Respondent Value Family Homes - Denton, L.P. dba Denton Mobile Home Corr

Policy Revision 2 (September 2002)

Case ID No. 35133

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101269611

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 317.3(b)(3)

Violation Description

Failed to properly design and operate the collection system. Specifically, there were no provisions made to prevent grease and other floating materials from interfering with the operation of the lift station.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to properly maintain the collection system could result in the release of pollutants which would not exceed levels that are protective of human health or the environment.

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$500

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$375

This violation Final Assessed Penalty (adjusted for limits) \$375

Compliance History

Customer/Respondent/Owner-Operator:	CN603113184	Value Family Homes - Denton, L.P.	Classification:	Rating:
Regulated Entity:	RN101269611	DENTON MHC	Classification:	Site Rating:
ID Number(s):	UTILITIES	REGISTRATION	S0021	
Location:	5301 E MCKINNEY ST, DENTON, TX, 76208			
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History Prepared:	December 20, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	December 20, 2002 to December 20, 2007			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Jorge Ibarra, P.E. Phone: (817) 588-5890

Site Compliance History Components

- | | |
|--|------------|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | Yes |
| 3. If Yes, who is the current owner? | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)? | <u>N/A</u> |
| 5. When did the change(s) in ownership occur? | <u>N/A</u> |

Components (Multimedia) for the Site :

- | | | |
|----|---|--|
| A. | Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. | |
| | N/A | |
| B. | Any criminal convictions of the state of Texas and the federal government. | |
| | N/A | |
| C. | Chronic excessive emissions events. | |
| | N/A | |
| D. | The approval dates of investigations. (CCEDS Inv. Track. No.) | |
| | 1 12/10/2007 (599703) | |
| E. | Written notices of violations (NOV). (CCEDS Inv. Track. No.) | |
| F. | Environmental audits. | |
| | N/A | |
| G. | Type of environmental management systems (EMSs). | |
| | N/A | |
| H. | Voluntary on-site compliance assessment dates. | |
| | N/A | |
| I. | Participation in a voluntary pollution reduction program. | |
| | N/A | |
| J. | Early compliance. | |
| | N/A | |

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING**

**VALUE FAMILY HOMES - DENTON, L.P.
DBA DENTON MOBILE HOME
COMMUNITY
RN101269611**

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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-2043-WQ-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Value Family Homes - Denton, L.P. dba Denton Mobile Home Community ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater collection system with a manhole at 5301 East McKinney Street in Denton, Denton County, Texas (the "Facility").

2. The Respondent has discharged sewage into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During an investigation on October 30, 2007, TCEQ staff documented an unauthorized discharge of wastewater from the collection system. Specifically, a series of unauthorized discharges occurred during October 25 through 30, 2007 from the manhole near Unit 115, totaling 5,000 gallons of wastewater, resulting in approximately 30 fish killed.
4. During an investigation on October 30, 2007, TCEQ staff documented that the Respondent failed to provide non-compliance notification to the TCEQ within 24 hours of becoming aware of the non-compliance. Specifically, the unauthorized discharges began on October 25, 2007 and were not reported to the TCEQ until October 31, 2007.
5. During an investigation on October 30, 2007, TCEQ staff documented that the Respondent failed to properly maintain the collection system. Specifically, there were no provisions made to prevent grease and other floating materials from interfering with the operation of the lift station.
6. The Respondent received notice of the violations on December 15, 2007.
7. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. Took steps to control, contain, and remediate the unauthorized discharges, and repair the lift station on October 30, 2007;
 - b. Provided non-compliance notification to the TCEQ on October 31, 2007; and
 - c. Implemented measures and procedures to prevent grease and other floating materials from interfering with the operation of the lift station on October 31, 2007.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent the unauthorized discharge of wastewater from the collection system, in violation of TEX. WATER CODE § 26.121.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to provide non-compliance notification to the TCEQ within 24 hours of becoming aware of the non-compliance, in violation of TEX. WATER CODE § 26.039(b).
4. As evidenced by Findings of Fact No. 5, the Respondent failed to properly maintain the collection system, in violation of 30 TEX. ADMIN. CODE § 317.3(b)(3).

5. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
6. An administrative penalty in the amount of Four Thousand Eight Hundred Seventy-Five Dollars (\$4,875) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid the Four Thousand Eight Hundred Seventy-Five Dollar (\$4,875) administrative penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Four Thousand Eight Hundred Seventy-Five Dollars (\$4,875) as set forth in Section II, Paragraph 6 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Value Family Homes - Denton, L.P. dba Denton Mobile Home Community, Docket No. 2007-2043-WQ-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
4. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
7. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

From: TCEQ DFW REGION

817 558 5806

04/03/2008 12:55

#500 P.000/017

Value Family Homes - Denton, L.P. dba Denton Mobile Home Community
DOCKET NO. 2007-2043-WQ-E
Page 5

SIGNATURE PAGE**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

For the Commission

For the Executive Director

Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Value Family Homes - Denton, L.P. dba Denton Mobile Home Community. I am authorized to agree to the attached Agreed Order on behalf of Value Family Homes - Denton, L.P. dba Denton Mobile Home Community, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Value Family Homes - Denton, L.P. dba Denton Mobile Home Community waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature

Date

Name (Printed or typed)

Title

Authorized Representative of

Value Family Homes - Denton, L.P. dba Denton Mobile Home Community

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order

